

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
GREENVILLE DIVISION**

**BANK OF COMMERCE and
FIRST SOUTH FARM CREDIT, ACA**

APPELLANTS

V.

NO. 4:22-CV-30-DMB

EXPRESS GRAIN TERMINALS, LLC

APPELLEE

ORDER

On February 8, 2022, Bank of Commerce and First South Farm Credit, ACA, filed in the United States District Court for the Northern District of Mississippi a notice of appeal of a decision of the Bankruptcy Court in *In re Express Grain Terminals, LLC*, No. 21-11832-SDM. Doc. #1. The appeal challenges the Bankruptcy Court’s January 28, 2022, “Final Order (I) Authorizing Use of Cash Collateral, (II) Authorizing Continued Use of Existing Bank Accounts and Cash Management System, (III) Granting Adequate Protection, and (IV) For Other Relief.” *Id.* at 1.

On June 1, 2022, the appellants filed a motion to dismiss the appeal. Doc. #25. As cause, the appellants represent that the Bankruptcy Court approved the parties’ “Joint Motion for Approval of Settlement and Compromise,” “which would effectively resolve all issues on appeal,” and “[t]he Settlement Order has become final and non-appealable and the distribution date triggering voluntary dismissal of these appeals has occurred.” *Id.* at 3–4. The appellants further represent that “[a]ll parties to this appeal agree that each party will be responsible for their own costs incurred regarding the dismissal of the appeal.” *Id.* at 4.

Federal Rule of Bankruptcy Procedure 8023(b) provides that “[a]n appeal may be dismissed on the appellant’s motion on terms agreed to by the parties or fixed by the district court.” Based on the settlement approved by the Bankruptcy Court and the agreement of the parties

regarding costs of this appeal, the motion to dismiss [25] is **GRANTED**. This appeal is **DISMISSED**.

SO ORDERED, this 3rd day of June, 2022.

/s/Debra M. Brown
UNITED STATES DISTRICT JUDGE